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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,099	02/04/2000	John G. Waclawsky	CIS99-1714	8317

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CHAPIN & HUANG, L.L.C.
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1700 West Park Drive
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EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Advisory Action**

Application No.

09/498,099

Applicant(s)

WACLAWSKY ET AL.

Examiner

Chirag G Shah

Art Unit

2664

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,5,11 and 15.

Claim(s) withdrawn from consideration: 2-4,6-10,12-14 and 16-42.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see below for explanation of 7


Ajit Patel
Primary Examiner

Referring to claims 1, 5, 11 and 15, the limitations added to the independent claims include limitations that already existed in the rejected dependent claims and thus incorporating the limitations into the respective independent claims do not make the claims allowable. With respect to the limitation, "wherein the step of sending the data element to the node include the step of providing, within the data element, a destination address which targets a device that is different than the node to route the data element in a direction leading to the device through the node" is addressed by the Rickard reference on pages 9 and 10, the method wherein the step of sending the data element (packet) to the node (144.228.10.81) includes, providing within the packet, a destination address (204.250.9.1, the destination address of the mustang.com) which targets a device that is different than the node (144.228.10.81) to route the packet in direction leading to the device through the nodes as claim. With respect to the limitation, "wherein the step of receiving the signal includes the step of obtaining, as the signal, a packetized communication having a history which identifies processing of the data element as a non-stale data element by the node even though the data element is stale by the time the node receives the data element" is addressed by Rickard in view of Hunt et al and further in view of Beser et al. Beser et al teaches of rapid removal of stale addresses, freeing valuable memory space. Beaser et al discloses in column 31, lines 10-62, that Address Resolution Protocol (ARP) allows for association of a network address pair with a TTL value. In general, a TTL value is a timeout value for a single table entry whereas a cache timeout typically applies to the table as a whole. A table value is automatically deleted when this time value has expired. Therefore, imposed TTL value can be chosen sufficiently small to prevent further communication between the network device and the data network should the network device fail to register properly. Thus, a feed back signal as taught by Hunt et al. in a router or a switch may process the packet as non-stale by node (switch or router) if the TTL is not equal to 0, even though the packet is stale by the time the destination node receives the packet (since the TTL=0). Therefore, it would have been obvious to modify the teachings of Rickard in view of Hunt to include the teachings of Beser in order to rapidly remove stale network data ensuring reduction in latency and performance degradation. Applicant argues that there is no teachings in either Rickard, Hunt or Beser of a node that processes a packet as a non-stale packet, even though the packet is stale by the time the node receives the packet. Examiner disagrees and redirects applicant to Beser reference, column 31, lines 10-62, where it discloses having the ability to chose TTL value. Thus, indicating that the router or switch (node) may process the packet as non-stale if the TTL is not =0 and is greater than 0, even though the packet becomes stale (at TTL=0) by the time the next node or the destination node receives the packet. Therefore, even after entering the proposed amendment, the newly amended claims would stand rejected.